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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,898	08/04/2003	Hsieh Sheng-Bin	SOU-103US	5814
24314	7590	09/30/2004	EXAMINER	
JANSSON, SHUPE & MUNGER, LTD 245 MAIN STREET RACINE, WI 53403			MEREK, JOSEPH C	
			ART UNIT	PAPER NUMBER

3727

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,898

Applicant(s)

SHENG-BIN, HSIEH

Examiner

Joseph C. Merek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 3,708,045) in view of Birkestrand (US 6,244,399). Regarding claim 1, Katz teaches a bag or container made of soft flexible material with the diagonal flaps but does not teach the walls being embedded with a hard boards. Birkestrand as seen in the abstract and the Figs 1-6, teaches a bag or container made of flexible material with hard boards imbedded in the walls. It would have been obvious to employ the hard boards of Birkestrand in the bag of Katz to provide better protection for the contents of the bag. The bottom is a matter of orientation. The part of the modified bag of Katz with the diagonal zipper is the bottom. The claim does not require any structure that precludes this reading. Regarding claim 2, the fastener is a zipper. Regarding claim 3, the sidewalls are orthogonal to the bottom with the diagonal zipper. Regarding claim 4, the sidewalls are substantially congruent. Regarding claim 5, each of the sidewalls are embedded with a hard board as taught by Birkestrand. Regarding claim 6, the two sets of sidewalls are opposed. Regarding claim 7, the opposed sidewalls are substantially congruent. Regarding claim 8, the top edge of the bag is rectangular as the side opposite the bottom is rectangular. Regarding claim 9, each sidewall is orthogonal to the bottom. Regarding claims 12 and 13, the modified device of Katz has hard boards

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in the top and bottom as seen in Figs. 2 of Birkestrand, which are removable.

Regarding claim 14, the handle is 25. Regarding claim 15, each sidewall is embedded with a hard board as seen in Fig. 2 of Birkestrand. Regarding claim 16, the modified bag or container of Katz each sidewall forms a hard-wall pocket as seen in Fig. 2 of Birkestrand. Regarding claim 17, the modified device of Katz, as seen in Fig. 4, has all the walls connected and forms an integral body of flexible material.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Birkestrand as applied to claim 9 above, and further in view of Haddock (Us 4,716,947). Regarding claim 10, the modified bag or container of Katz teaches a rectangular shape but does not teach the square shape. Haddock, as seen in Col. 4, lines 11-13, teaches that a similar bag or container that can be either rectangular or square. It would have been obvious to employ the square shape of Haddock in the modified bag or container of Katz to provide a more uniform bag or a bag with a smaller volume.

Conclusion

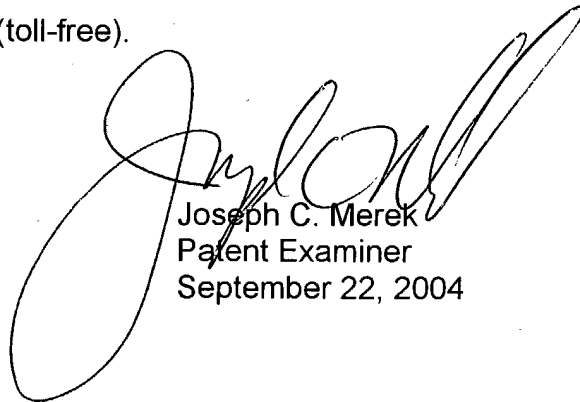
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bracken (Us 2,136,669) and Samara (US 3,073,367) are both cited for teaching diagonal zippers. Johnson (US 4,951,818) is cited for teaching wall pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A large, stylized handwritten signature in black ink, likely belonging to Joseph C. Merek, is positioned over the printed name and title.

Joseph C. Merek
Patent Examiner
September 22, 2004